

REMARKS

Claims 1-45 are pending, with claims 19-45 having been previously withdrawn from consideration. By way of this amendment, claim 1 has been amended and claims 19-45 have been cancelled without prejudice. Applicant reserves the right to pursue any cancelled subject matter in one or more continuation or divisional applications.

Substance of Examiner Interview held on December 15, 2009

Applicants' representative and Examiner Glenn Richman held a telephonic examiner interview on December 15, 2009. During the interview, the differences between claim 1 and the Lee reference were discussed. Applicants' representative also proposed amending claim 1 to clarify that "the muscular phases are selected from the group consisting of an isokenetic, an osometric, a concentric, and an eccentric muscular phase." Examiner Richman agreed that adding this language to claim 1 would render claim 1 allowable over the cited references.

Applicants thank Examiner Richmond for taking the time to discuss the present application and for his indication that claim 1 would be allowable with the above-mentioned amendment.

Claim Rejections – 35 U.S.C. § 102

Claims 1-3, 8, 11 and 12 stand rejected as being anticipated under 35 U.S.C. § 102(e) by Lee (U.S. 6,837,827).

Claim 1 has been amended to additionally recite "wherein the muscular phases are selected from the group consisting of an isokenetic, an osometric, a concentric, and an eccentric muscular phase." Support for this claim amendment can be found, for example, in paragraph [0002] of the present application. Thus, no new matter is being added by way of this amendment.

As discussed with the Examiner during the December 15, 2009 Interview, Lee does not disclose whether an exercise activity should be performed according a muscular phase selected from the group consisting of an isokenetic, an osometric, a concentric, and an eccentric muscular phase,

and providing user perceptible output prompting a user to operate an exercise device according to that muscular phase, as recited in independent claim 1. Thus, the rejection of claim 1 may be properly withdrawn.

In addition, claims 2, 3, 8, 11 and 12 depend either directly or indirectly from independent claim 1 and inherit the patentability thereof. Thus, claims 2, 3, 8, 11 and 12 patentably distinguish over the cited art for at least the reasons provided herein.

Rejections Under 35 U.S.C. § 103

Claims 4, 7, 12, 15 and 16 stand rejected as being obvious under 35 U.S.C. § 103(a) over Lee.

The obviousness rejection over Lee does not cure any of the deficiencies of the anticipation rejection of claim 1. Thus, as Claims 4, 7, 12, 15 and 16 depend either directly or indirectly from independent claim 1 and inherit the patentability thereof, claims 4, 7, 12, 15 and 16 also patentably distinguish over the cited art for at least the reasons provided herein.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

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In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 616782000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

Electronic Signature: /Kaare D. Larson/
Kaare D. Larson

Registration No.: 51,920
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 720-5163